

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

DAVID WHITT,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:18-cv-1294
	)	
CITY OF ST. LOUIS, et al.,	)	
	)	
Defendants.	)	

**JOINT MOTION TO AMEND CASE MANAGEMENT ORDER**

COME NOW Plaintiff David Whitt, by and through his undersigned counsel, and Defendants City of St. Louis (the City), Ryan Linhorst, Matthew Karnowski, Matthew Shaw, and Bobby Baine, by and through their undersigned counsel, and respectfully request that the Court enter an order amending the current Case Management Order. In support thereof, Plaintiff and Defendants state as follows:

1. This lawsuit arises out of and relates to Plaintiff David Whitt's arrest on August 8, 2016, while filming police activity and the seizure of his camcorder, and his subsequent municipal prosecution. Mr. Whitt asserts several claims, including a *Monell* claim against the defendant City of St. Louis.
2. Both parties have exchanged discovery, and have supplemented their responses to discovery in accordance with the federal rules and this Court's case management order.
3. Since October 2019, the parties have communicated regularly via email regarding the identification and production of relevant documents.
4. On March 10, 2020, Plaintiff's counsel identified a list of categories from which the City would produce responsive files from its Internal Affairs Division (IAD). Without waiving the

right to subsequently request the production of additional IAD files, Plaintiff's counsel agreed to this limited production by the City.

5. The week of March 16, 2020, the City was placed on work-from-home restrictions due to the COVID-19 outbreak. Because the City employee who has access to the IAD files was working from home and did not have access to the IAD files, City had been unable to produce the IAD files. Following new guidance from the City government that relaxed the stay-at-home restriction, the employee in question resumed working in the office. However, due to a backlog in requests for that employee to fulfill, the City was unable to deliver the IAD files for several months.

6. Similarly due to the COVID-19 pandemic, the City had difficulty in identifying representatives for its deposition under Rule 30(b)(6) and the two parties had difficulty scheduling those depositions. While representatives have now been named for each topic (excepting those the City plans to request a Protective Order over), the final deposition of a City corporate representative is not scheduled to take place until September 16, 2020.

7. Plaintiff wishes to have the City's testimony available for his expert witness's consideration in forming his opinion(s).

8. Under the current Case Management Order, Plaintiff's deadline to disclose expert witnesses and provide Rule 26(a)(2) reports is September 1, 2020. *See* ECF No. 74. Defendants' deadline to depose Plaintiff's expert witnesses is September 22, 2020. *Id.*

9. Due to the extraordinary circumstances presented by the COVID-19 pandemic, the above deadlines are no longer feasible.

10. Accordingly, the parties jointly request that the Court adjust the dates in the Case Management Order as set forth in the Proposed Order attached hereto as **Exhibit A**.

11. This request for an extension of time on the deadlines in the case is made in good faith, and not for purposes of delay. Nor will these extensions prejudice any party, as all parties consent and will receive the benefit from the extensions.

12. This request for an extension of certain deadlines will not impact the discovery closure or trial dates.

13. This is an unopposed joint motion for extension of time, thus pursuant to E.D.Mo. L.R. 4.01, neither party has filed a memorandum in support of this Motion.

WHEREFORE, for the foregoing reasons, the parties respectfully request that the Court grant this Motion and enter an order amending the Case Management Order as requested more specifically in the Proposed Order attached hereto as **Exhibit A**.

Jointly submitted this 1st day of September 2020:

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Respectfully Submitted,

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